

Article - Environment

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§14–204.

(a) In any eminent domain proceedings under § 14–202(a) and (b) of this subtitle, the owner of the land shall be compensated for the right to utilize geological strata being taken by eminent domain for the underground storage of gas, and for any commercially recoverable oil or gas not owned by the gas storage company in the strata.

(b) In any eminent domain proceedings under § 14–202(a) of this subtitle, the owner or owners in fee of the land have the right by unanimous election in their answer to have the jury make, after evidence is presented, alternate inquisitions assessing the fair value of the underground storage rights, and the fair value of the fee-simple ownership, including all improvements. On the tenth day following the date of the verdicts, the court shall enter a judgment of condemnation on the inquisition for the fair value of the underground storage rights, unless on or before the tenth day every owner shall join in an irrevocable election, filed in writing in the case, to have a judgment of condemnation entered on the inquisition for the fee-simple title to the property including all improvements, in which case the court shall enter a judgment of condemnation for the fee-simple title to the property. Unless all persons having an interest in the fee-simple title join in the election provided for, the court shall enter judgment of condemnation on the inquisition for the underground storage rights. In the event the property owner elects to have a judgment of condemnation entered on the inquisition for the fee-simple title to the property, he shall be entitled to defer final settlement for a period of time not exceeding six months from the date of the election. However, nothing in this subtitle shall prevent the gas storage company from utilizing underground storage rights during this time, subsequent to the inquisition. The property owner has the duty, during the period prior to final settlement, to maintain the property in reasonable condition, normal wear and tear excepted.

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